

**Board of Zoning Appeals**

601 Lakeside Avenue, Room 516
Cleveland, Ohio 44114-1071
[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)
216.664.2580

FEBRUARY 4, 2019**9:30****Calendar No. 19-005: 5100 St. Clair Avenue****Ward 10****Anthony T. Hairston
14 Notices**

Ohio Technical College, owner, proposes to change use from school to student housing in a C3 Residence Industry District. . The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances

1. Section 357.05(b)(2) which states that on the rear of a corner lot in an use district where the rear lot line of the corner lot is also the side line of the butt lot in the rear of the boundary line off an alley between them, and a setback building line is established for such butt lot, no building shall be erected nearer to the side street at the rear line of the corner lot than the setback building line of the butt lot; 18 feet are required; 0' proposed.
2. Section 357.09 which states that an interior side yard equal to one-fourth of the building height or in this case 13 feet and no interior side yard is proposed.
3. Section 355.04 which states that in a "C" Area District the maximum gross floor area of a building cannot exceed ½ lot area in this case 16,272 square feet are permitted and 40,790 square feet are proposed.
4. Sections 352.08-10 which state that a 10 foot wide transition strip is required at the rear and east sides of the property where the lot abuts a Two-Family District and a 5 foot wide transition strip is proposed.
5. Section 349.15 which states that 3 bicycle parking spaces are required and none are proposed.

(Filed January 4, 2019)

9:30**Calendar No. 19-006: 4835 Broadview Rd.****Ward 13****Kevin J. Kelley
22 Notices**

The L. Old Brooklyn, LLC. Proposes to establish use as a 12 unit apartment building in a C1 Multi-Family District. The owner appeals for relief from the strict application of Section 349.04 which states that one accessory off-street parking space is required for each dwelling unit; 12 spaces are required and 9 spaces are provided.

9:30

Calendar No. 19-008:

2512 Church Ave.

Ward 3

Kerry McCormack

16 Notices

Schmaltz Church Street Holdings, owner, proposes to establish use as a restaurant in a D3 Local Retail Business District. The owner appeals for relief from the strict application of Section 349.04(f) which states that 11 parking spaces are required based on the number of employees and the area dedicated to patron use, but no parking is proposed. (Filed January 9, 2019)

Postponed from January 14, 2019

9:30

Calendar No. 18-284:

4814 Bridge Avenue

Ward 3

Kerry McCormack

17 Notices

Moise Magda Jr., owner, and Charlie Denk, tenant, propose to use property for a boutique cooking school in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 337.03(b) which states that in a Two-Family Residential District, uses are permitted as regulated in a One-Family Residential District.
2. Section 337.02(g)(3)(a) which states that a private school must be 30 feet away from an adjoining premises in a residential district, and requires the approval of the Board of Zoning Appeals unless operated as a "gainful business".
3. Section 343.11(b)(2)(H) which states that a private school operated as a "gainful business" is first permitted in a General Retail Business District.
4. Section 349.04(c) which states that accessory off-street parking is required at the rate of one space per each two employees plus one space per 10 students. (Filed December 11, 2018- Testimony Taken) FIRST POSTPONEMENT MADE TO ALLOW FOR TIME TO REVISE THE CASE DESCRIPTION DUE TO A REVISION IN THE NOTICE OF NONCONFORMANCE.

POSTPONED FROM DECEMBER 10, 2018

9:30

Calendar No. 18-259:

6201 White Avenue

Ward 7

Basheer S. Jones

13 Notices

Alfreda Davis, owner, proposes to use dwelling unit for "Type A" Day Care in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 337.03 of the Cleveland Codified Ordinances which states that child care use requires approval from the Board of Zoning Appeals and is required to be 30' from any adjoining premises in residence district not use for

a similar purpose as referenced in One family zoning District 337.02(f)(3)(c). The proposed child care is surrounded by Two-Family District. (Filed November 13, 2018-Testimony Taken) *FIRST POSTPONEMENT MADE TO ALLOW FOR TIME FOR THE APPELLANT TO PURSUE PURCHASE OF A NEIGHBORING LAND BANK LOT.*

POSTPONED FROM OCTOBER 29, 2018

9:30

Calendar No. 18-221:

3629 Rocky River Drive

Ward 17

Martin J. Keane

15 Notices

Brian Meisterics, owner, propose to change use from two dwelling units to four dwelling units in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 337.02 which states that multi-family use (4 dwelling units) is not a permitted use in the One family District; first permitted in Multi-Family District per Section 337.08.
2. Section 359.01 which states that an expansion of a nonconforming use requires BZA Approval. (Filed October 3, 2018-No Testimony)*FIRST POSTPONEMENT MADE FOR 90 DAYS DUE TO DISCOVERY OF RES JUDICATA. THE BOARD HEARD AND DENIED AN IDENTICAL REQUEST IN CALENDAR NUMBER 88-274. THE BOARD WILL REVIEW NEW INFORMATION THAT WILL DIFFERENTIATE THE TWO CASES.*